



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



August 31, 2016

Richard J. Bruckner
Director

TO: Doug Smith, Vice Chair
David W. Louie, Commissioner
Laura Shell, Chair
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Diane Aranda, Principal Planner 
Special Projects Section

Project No. R2015-02901-(5) – Conditional Use Permit No. 201500130
RPC Meeting: August 31, 2016
Agenda Item: 7

The above-mentioned item is a request to authorize the construction and operation of a 120-bed senior (age 55+) residential care facility and commercial retail center with four buildings that consist of two drive-thru restaurants, a retail store and a gas station with a convenience store within the Neighborhood Business-Development Program (C-2-DP) Zone on 8.62 acres. The Conditional Use Permit will also ensure compliance with the Development Program that was previously approved as part of the West Creek development project (Project No. 98-008). This request also includes an addendum to the Certified Environmental Impact Report (SCH No. 98021052) for West Creek.

Staff has revised the Project's draft conditions as follows: (1) Condition No. 10 has been revised to eliminate the date by which the permittee would have to post and file the Notice Determination with the County Registrar-Recorder/County Clerk (Recorder) to avoid confusion with the end of the appeal period date, (2) Condition No. 22 adds language to clarify the State licensing responsibilities of the residential care facility operator, (3) Condition No. 25 has been eliminated to reflect that the Project is not currently proposing the sale of alcohol, (4) Condition No. 28 has been revised to clarify the required parking for the residential care facility as one parking space for each staff member on the largest shift, one parking space for each vehicle used directly for the facility. The remainder parking shall be used for guest parking and to store the residents personal vehicles, (5) Condition No. 35 has been revised to add language to ensure that any changes to the Exhibit 'A' would required approval by the Director of Planning, (6) Condition No.38 has been modified to include the date of the updated clearance letter by the Department of Public Works, (7) Condition No. 39 was added to clarify that if the City of Santa Clarita's annexed the project site, the permittee would have to comply with all City staff, department(s) and regulations. The revised draft conditions are attached.

In addition, staff has received two correspondence letters from the public and a letter from the Tesoro Del Valle Master Homeowners Association stating concerns of the proposed project in regards to traffic increase and student safety, and four letters in support. The letters are attached.

SD: DA

**REVISED DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R 2015-02901-(5)
CONDITIONAL USE PERMIT NO. 201500130**

PROJECT DESCRIPTION

The project is a request for a Conditional Use Permit (CUP) to authorize the construction and operation of a 110-unit (120-bed maximum) senior residential care facility (Facility) and a commercial retail center located in the Neighborhood Business-Development Program (C-2-DP) Zone within the unincorporated community of Santa Clarita and to ensure compliance with the Development Program that was approved as part of the Project No. 98-008 (West Creek), subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 9, and 11 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual

costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in

violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$[200.00] per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. ~~Within five (5) working days from the day after the appeal period ends on September 20, 2016 the permittee shall file and post the Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code at the County Registrar-Recorder/County Clerk ("Recorder").~~
10. Within five (5) working days from the date the project is approved by the Planning Commission, the permittee shall file and post the Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code at the County Registrar-Recorder/County Clerk (Recorder).
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal

decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning by **November 30, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of** the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT

19. The senior assisted living facility shall be limited to residents ages 55 and above.
20. The senior assisted living facility shall have a maximum of 120 beds.
21. Prior to the issuance of a certificate of occupancy, the permittee shall obtain all necessary operational licenses from the State of California and provides a copy of such licenses to the Director of Regional Planning.
- ~~22. In the event that the State operational licenses expire, the facility shall cease operations immediately.~~
22. The owner and/or operator of the senior assisted living facility shall be responsible for ensuring all necessary operational licenses from the State of California are secured and maintained for the facility at all times. Copies of the licenses shall be provided to the Director of Regional Planning upon request.
23. Should the age restricted 120-bed residential care facility change or alter substantially resulting in a different use, the permittee shall apply for any necessary permit(s) for the new use.
24. The two drive-thru restaurants on the subject property shall have separate windows for different functions and temporary parking for orders not immediately ready for pick-up.

25. ~~A separate Conditional Use Permit shall be required for the sales of alcohol for on-site or off-site consumption for the two restaurants, the retail store and the convenience store. [DELETED]~~
26. Employers of the commercial uses shall provide commuter information areas that contain displays providing information on Metrolink and bus routes and schedules, and the name and number for various commercial shuttle services.

PROJECT SITE SPECIFIC CONDITIONS

27. This grant shall authorize the construction and operation of a 120-bed senior assisted living facility and a commercial retail center (107,100 sf maximum) located in the Neighborhood Business-Development Program (C-2-DP) Zone within the unincorporated community of Santa Clarita and to ensure compliance with the Development Program that was approved as part of West Creek.
28. ~~For the senior assisted living facility one parking space for each staff member on the largest shift, and one parking space for each vehicle used directly for the facility is required. The largest shift is expected to have 30 employees, and the facility will have 10 vans/cars for the daily use of the operations. Therefore, 40 parking spaces are required and 80 parking spaces are provided exclusively for the residential care facility. The additional 40 parking spaces are provided for guests, and the residents that will have their own vehicles at the facility for personal use. Multiple family housing developments that are restricted to senior citizens and handicapped persons shall provide one-half parking space for each dwelling unit and guest parking shall be provided in the ratio of one space for each eight units. Fourteen (14) parking spaces will be required for guests, and no more than 52 units will be allowed to store their personal vehicles on the property.~~
28. The permittee shall provide 80 parking spaces exclusively for the residential care facility. The required 80 parking spaces shall provide one parking space for each staff member on the largest shift, one parking space for each vehicle used directly for the facility and fourteen (14) parking spaces for guests and the remainder shall be used for storing of the residents personal vehicles.
29. The commercial retail development consists of four buildings ranging from 1,800 to 12,500 square feet. The commercial uses are two-drive thru restaurants, a retail store, and a gas station and convenience store. Pursuant to Section 22.52.1110 and the approved Development Program, the parking ratios for a restaurant is (1) space per each three (3) occupants of restaurant space. The occupant load for the two (2) drive-thru restaurants is a total of 186 with a total of 62 spaces required. The project will be providing 62 spaces for the restaurants.
30. The retail commercial space is one (1) space per each two-hundred fifty (250) square feet of retail commercial space. The retail store is proposed to be 12,500 square-feet and is required to provide 50 parking spaces. The project is providing

78 parking spaces for the retail store. The convenience store is 4,968 square-feet with 20 spaces required and the project is proposing 23 parking spaces.

31. If the permittee changes the operation of the restaurant and retail stores so as to require less parking than the minimum requirement, the permittee shall submit an application for a Revised Exhibit 'A' within 90 days of such occurrence.

If the restaurant and retail use substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

32. The permittee shall provide bicycle parking as required by the County Code, calculated at a parking ratio of one space per 5,000 square feet of gross floor area for short-term bicycle parking, and one space per each 12,000 square feet of gross floor area for long-term bicycle parking. The commercial uses would require not less than 19 short-term spaces and 8 long-term spaces be provided based on the applicable ratio.

If the permittee alters the property with an addition of more than 15,000 square feet of floor area so as to require bicycle parking beyond the minimum requirement, the permittee shall submit an application for a parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

33. All buildings shall not exceed a height of 35-feet.
34. The maximum building coverage shall not exceed 107,100-square feet, representing 28 percent of the total site area.
35. Any modification to building area square footage and associated changes to any of the plans marked Exhibit 'A' shall be approved by the Director of Planning, if the building coverage does not exceed 107,100-square feet (28% of the total site area) and the senior residential care facility does not exceed 120 bed maximum.
36. Lighting shall be provided as illustrated on the lighting plan, and shall be required to be shielded to prevent glare, or direct off-site illumination from the residential and open space areas.
37. Buildings situated along Vista Del Rio Drive shall provide screening with landscaping materials as shown on the approved landscape plans.
38. The permittee shall comply with all conditions set forth in the attached County Public Works, Fire, and Public Health, Department letters dated July 22, 2016, July 21, 2016 and ~~July 28, 2016~~ August 24, 2016.

39. If the property is annexed to the City of Santa Clarita, references to County staff, department(s) or regulations shall instead refer to the comparable City staff, department(s) or regulations.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

40. Prior to the issuance of a building permit, the permittee shall record a final map for the project site (TR52455-15) with the Department of Public Works to remove the "building restriction" language and to supersede the previously recorded final map pertaining to this subject property.

Attachments:

Fire Department Letter dated July 21, 2016
Public Health Department dated July 22, 2016
Department of Public Works dated July 28, 2016

August 29, 2016

SENT VIA EMAIL TO daranda@planning.lacounty.gov

To: Diane Aranda
Principal Planner
County of Los Angeles Dept. of Regional Planning
Special Projects Section
320 W. Temple Street
Los Angeles, CA 90012

C/C: Doug Smith, Vice Chair
David W. Louie, Commissioner
Laura Shell, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

Re: Project R2015-02901-5 / Conditional Use Permit No.: 201500130 / Fountainhead Commercial

Dear Ms. Aranda,

As a major land owner of common areas and open space within the adjacent Tesoro Del Valle residential community (1077 homeowners), we wish to comment upon the proposed development and map amendment.

In and of itself, the proposed modified land use has its merits. Unfortunately, the projected traffic impacts are incomplete and insufficient to warrant project approval at this time. Further analysis and mitigation measures are needed, especially as to the proposed added retail component of the project. Specifically, the existing traffic conditions at and around the intersection of Copper Hill Drive and Rio Norte Drive have significant negative impacts that have not been acknowledged or studied by the applicant. The ambient conditions are sub-standard due to the adjacent Rio Norte Junior High School campus. Such school was approved and developed without adequate study of traffic impacts associated with student morning drop-off and pick-up at afternoon dismissal. This oversight has resulted in poor level of service ("LOS") at the intersection turning movements and caused traffic to back up into the adjacent streets in the Tesoro residential community. It also produced excessive driveway parking in the shopping center on the south side of Copper Hill Drive (the so-called "Albertsons center"). Many parents opt to avoid the corner and drop-off in random locations which involved unsafe turning movements,

traffic lane blockage and/or excessive, uncontrolled youth pedestrian volumes with associated safety risks.

It is likely that the proposed drive-thru restaurants, retail store, and gas station will have cumulative traffic impacts that put the intersection into gridlock for 2-3 hours a day.

On behalf of the 1077 homeowners whom we represent, we appeal to the Regional Planning and Public Works Departments to further study the current and proposed traffic patterns associated with school, retail (both existing and proposed), and the new Assisted Living facility.

Do not compound the already unsafe conditions (for both vehicles and student pedestrians) with incomplete study of proposed new development impacts when integrated with existing unsafe ambient conditions.

We join the many residents in West Creek and Tesoro who have raised concerns and with the school representatives, both district officials and parent leadership in the PTA, in opposing the proposed project until adequate supplemental traffic analysis and mitigation measures are put forth for further consideration and design effort by the applicant.

Thank you for your reconsideration on this matter.

Very Truly Yours,

Richard Galway
President – Board of Directors
Tesoro Del Valle Master Homeowners Association

C/C: Shauna Gatlin, FirstService Residential

Diane Aranda

From: Susan [susanslp2@gmail.com]
Sent: Sunday, August 28, 2016 8:24 AM
To: Diane Aranda
Subject: Tesoro deal Valle

Hello,

I am a resident of the Tesoro del Valle community and I wanted to express my concern about the gas station planned to go in on the corner of Rio Norte and Copperhill drive in Valencia. I have a few concerns the first being the safety of the Rio Note students who walk to school and back home. I feel like the safety of the students is at risk by putting a gas station at that corner. Copperhill is already a very busy street and adding a gas station there is going to make it even worse and is a safety concern. Second the area where the gas station is supposed to exit is a very small street that also gas students walking and would put them in danger. My other concern is the sheer volume of cars this would bring to an already tight and congested area, not to mention the trucks that would back up traffic trying to get in and out of the gas station. I feel putting the gas station here is a big mistake.

Thank you,

Susan

Sent from my iPhone

Diane Aranda

From: will or cat bigham [willandcat@hotmail.com]
Sent: Tuesday, August 30, 2016 12:17 PM
To: Diane Aranda
Subject: Project R2015-02901-5 / Conditional Use Permit No.: 201500130 / Fountainhead Commercial

To: Diane Aranda	C/C: Doug Smith, Vice Chair
Principal Planner	David W. Louie, Commissioner
County of Los Angeles Dept. of Regional Planning	Laura Shell, Commissioner
Special Projects Section	Curt Pedersen, Commissioner
320 W. Temple Street	Pat Modugno, Commissioner
Los Angeles, CA 90012	

Re: Project R2015-02901-5 / Conditional Use Permit No.: 201500130 / Fountainhead Commercial

Dear Ms. Aranda,

I am a resident of the Tesoro del Valle community and have children that attend both Tesoro Elementary and Rio Norte Junior High School. I also volunteer as the PTA President for Tesoro Elementary. I am writing to you as a resident and parent wishing to comment upon the proposed development and map amendment as stated above.

The projected traffic impacts that have been studied for this project don't appear to be complete and I believe need further analysis. Mitigation measures may be needed based on concerns regarding student safety and traffic safety. Students who attempt to cross Copper Hill Parkway or Rio Norte Drive during drop off or pick up are in danger based on the poor and unsafe traffic patterns. During drop off and pick up, parents perform unsafe turning movements, parking in adjacent shopping centers, and cause major traffic backups on the surrounding streets. I have been made aware that the original traffic studies conducted prior to the construction of the junior high school were inadequate and I believe this to be true based on the major issues at the intersection of Copper Hill and Rio Norte Drive during the school year. The additional traffic impacts of the gas station, retail center and proposed assisted living facility will just increase and compound the already evident safety issues.

Thank you for your reconsideration on this matter.

Sincerely,

Cat Bigham

850-445-1770

Diane Aranda

From: Christopher Smith [chris@clslaw.com]
Sent: Wednesday, August 24, 2016 7:28 PM
To: Diane Aranda
Subject: Copperhill/Rio Norte Development

To whom it may concern,

I am writing in support of the proposed project on Copper Hill Drive that you will be considering at the upcoming L.A. County Planning Commission hearing. I expect that a assisted living facility will not only better serve the senior population in our area but that it will likely result in less traffic and and fewer problems for the area than other projects.

Also, the addition of a gas station is much needed and would hopefully reduce the lines that I often encounter at filling stations elsewhere on McBean.

I appreciate your consideration.

Christopher Smith
24156 Twin Tides Drive
Valencia, CA 91355

Diane Aranda

From: Robert Swieca [papashweek@hotmail.com]
Sent: Saturday, August 27, 2016 2:06 PM
To: Diane Aranda
Subject: Copper Hill and Rio Norte Development

Sent from Mail for Windows 10

Dear Planning Commission,

Please consider the proposed commercial project(Copper Hill and Rio Norte Project) in my community of Santa Clarita.

As I frequently commute through this area I find I have a hard time locating a gas station without having to travel out of my way.

In addition it is my opinion that it is getting increasingly difficult to travel through the center of the city. Do to exceptional congestion,

I'm under the belief that by adding a alternate route the congestion inside the city would subside.

By adding commercial establishments it can only enhance the community in which I live.

Bob & Maureen Swieca

28041 Wildwind Rd. Canyon country Ca,91351

To

City of Santa Clarita,

I am in favor of the proposed gas station at Copperhill & Rio Norte. Not only will the gas station provide a much needed gasoline option for the our northern section of Valencia it will also provide a convenience store that the community can buy convenience items from. As it is right now, we only have the Albertsons Grocery store to buy convenience items from which is very time consuming when you just need a few items that you can buy while filling up your car with gas.

Sincerely,

Jack Khengura

27058 Island Road

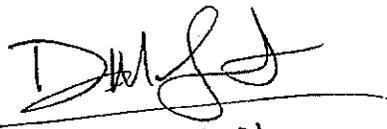
Valencia Ca 91355

Dear City of Santa Clara,

I am a resident of Valencia and reside at 27608 Cobblestone Ct., Valencia, 91354. I would like to recommend that you approve the proposed gas station that has an application in at Copperhill $\frac{1}{4}$ Rd. Norte. That whole quadrant of West Hill and West Creek does not have one fueling station and I feel some of the other gas stations in town take advantage of this by selling their gas at higher prices than some of the stations just outside Valencia.

Please approve this gas station.

Regards,



Deo M. Singh
Valencia Resident

27608 Cobblestone Ct.
Valencia, CA 91354